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HUMAN RIGHTS

Measures to be taken against Nazi, Fascist and neo-Fascist activities
and all other forms of totalitarian ideologies and practices based on
racial intolerance, hatred and terror

Report of the Secretary-General

Addendum

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* A/39/50.

I. INTRODUCTION

1. Since the report of the Secretary-General (A/39/168-E/1984/39) was issued on 5 April 1984, replies were received from the following States: Byelorussian Soviet Socialist Republic, Chad, Cuba, German Democratic Republic, Niger, Pakistan, Rwanda, San Marino and United Kingdom of Great Britain and Northern Ireland. The replies are given in summary form in section II below.

2. Sections III and IV below contain summaries of the comments by specialized agencies and by non-governmental organizations which have been received subsequent to the issue of the report of the Secretary-General.

II. SUMMARY OF COMMENTS PROVIDED BY STATES

3. The Government of the Byelorussian Soviet Socialist Republic, recalling its suffering and sacrifices caused by German Fascist aggression in the Second World War, indicated that it shared the deep concern expressed by the General Assembly in resolution 38/99 of 16 December 1983 at the fact that the proponents of Fascist ideologies had, in a number of countries, intensified their activities and were increasingly co-ordinating them on an international scale. The Government stated that the very people who were promoting the revival of fascism in all its manifestations were pursuing a policy characterized by the use of force, hatred towards peoples and glorification of war and military adventurism. In particular, it cited the following:

"the Fascist régime of the Republic of South Africa which continued its policy of racism and apartheid; the Tehia ("Renaissance") party in Israel, which was based on ideas of superiority of the Israelis over other peoples; the Fascist dictatorship of Pinochet in Chile, which was on the rampage; a policy of mass terror that was being pursued by the Fascist régime in El Salvador against the population of the country; the racist policy of the Administration of the United States of America, which created a favourable feeding-ground for such racist and Fascist groups as the Ku Klux Klan, the 'American Nazi Party' and the 'National Socialist Party of America'; the activity of Fascist organizations which had recently been intensified in several countries of Western Europe ...".

4. The Government, inter alia, suggested that:

(a) It was necessary to do everything to eradicate the evils of war from the face of the earth forever;

(b) There should be international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity;

(c) In accordance with United Nations resolutions, States which had not yet done so should incorporate in their legislation and apply consistently in practice measures designed to ensure the speedy dissolution of organizations based on ideas

or theories of the superiority of one race or group of persons of one colour or ethnic origin, or which attempted to justify or promote racial hatred and discrimination in any form;

(d) War propaganda and any discrimination of ideas based on racial superiority or hatred, including Nazi, Fascist and neo-Fascist ideology and practice should be declared punishable by law;

(e) The forthcoming fortieth anniversary, in 1985, of the peoples' victory over the forces of Fascism in the Second World War should serve to mobilize the efforts of the entire world community in the struggle against the ideology and practice of nazism, fascism and neo-fascism.

5. Finally, the Government of the Byelorussian Soviet Socialist Republic pointed out that the existing system of social relations and the Soviet legislation in force completely precluded the possibility of the emergence in that country of an ideology or practice based on racial intolerance, hatred and terror.

6. The Government of Chad indicated that:

(a) Chad was a party to several international conventions which had the same objectives, including the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of apartheid;

(b) Article 18 of the Fundamental Law of the Republic, the Constitutional Act adopted on 29 September 1982, and the 1962 Constitution before it proclaimed the commitment of the people of Chad to the principles of democracy;

(c) Chad was among the countries which had sacrificed their sons to help the allied nations to destroy fascism and nazism. Chad has also given tangible expression to this determination by acceding to the Charter of the United Nations, which had grown out of the struggle against fascism, nazism, aggression and foreign occupation and the main purpose of which was to help to maintain international peace and security.

7. The Government of Cuba considered that the international community should mobilize all efforts in its struggle against totalitarian and other such ideologies and practices and should "strongly condemn the Fascist crimes of the apartheid régime in South Africa, the Israeli practices in the occupied Arab territories, and associations and parties in the United States and other western countries that actively espouse Nazi, Fascist and neo-Fascist ideologies".

8. The Government also alleged that the Latin American continent had:

"Suffered and continues to suffer the consequences of the Fascist and neo-Fascist policies of reactionary Governments and, in particular, the Government of the United States of America which, for example, attacks the Nicaraguan people and provides economic, military and diplomatic assistance to the genocidal régime in El Salvador".

9. The Government referred to the measures that had been adopted at the national level to make punishable by law any dissemination of ideas based on racial superiority, racial hatred or propaganda for war, including Nazi, Fascist and neo-Fascist ideologies.

10. The Government of the German Democratic Republic referred to various manifestations of fascism, new fascism and totalitarian ideologies and practices. It, inter alia, alleged that:

(a) "... The methods employed by the South African racist régime are similar to those used by the Hitlerite Fascist régime, particularly in matters of citizenship, labour law, civil law, training and education;

(b) "The apartheid régime can maintain its illegal occupation of Namibia, repression of African people and the aggression against African States because of the support it receives from certain States and transnational corporations; therefore, all those who collaborate with South Africa also have to bear responsibility for the continued pursuit by South Africa of its Fascist policy;

(c) "The Fascist-style human rights violations in some Latin American countries continually give rise to repugnance and indignation;

(d) "The overwhelming majority of States Members of the United Nations have denounced such crimes as were perpetrated by Israel in Sabra and Shatila and in the Arab territories occupied by Israel;

(e) "Fascist elements and organizations are fast reappearing in public and propagating Fascist thought in Western countries;

(f) "Ruling circles play down criminal offences committed by Nazi successor organizations ...".

11. The Government reaffirmed the urgent need for measures against the increasing activities of the proponents of Fascist ideologies. In this regard, it, inter alia, indicated that (a) education and the media could play an important role in the struggle against fascism; (b) all States should unite for joint action against fascism in all its manifestations on the basis of relevant international conventions; (c) States should assist each other in detecting, arresting, extraditing and punishing persons who had committed Nazi or war crimes; and (d) the fortieth anniversary of the peoples' victory over fascism in the Second World War, in 1985, should serve as an occasion to mobilize the international community for taking steps against Fascist ideology and practices.

12. Finally, the Government of the German Democratic Republic referred to its adherence to relevant international conventions and instruments and stated that the legal norms in force in the German Democratic Republic, above all its Constitution, were fully in line with those conventions and instruments.

13. The Government of the Niger stated that:

(a) The Niger gave its unqualified support to all practical measures taken at the international level to prevent and punish all totalitarian or other ideologies;

(b) The domestic laws of the Niger reflected in many ways the concerns of the authorities in that respect. Act 61-27 of 15 July 1961 introducing the Criminal Code provided in article 102 for stringent penalties for those who committed or were accomplices in any act of racial or ethnic discrimination, any regionalist propaganda, or any conduct contrary to freedom of conscience and freedom of worship. That article was supplemented by numerous other provisions, in particular articles 265 to 268 concerning individual freedoms;

(c) The political and administrative authorities took every opportunity to draw the attention of the people of the Niger to the dangers of racism, xenophobia, religious fanaticism or any other ideology entailing the denial of fundamental human rights.

14. The Government of Pakistan indicated that (a) totalitarian or other ideologies and practices based on racial intolerance, hatred and terror were completely unknown in Pakistan, as was the phenomenon of racial discrimination; (b) incitement to racial hatred and the making of statements conducive to hatred or ill-will between different racial groups were punishable offences under the Pakistan Penal Code; (c) Pakistan was a party to the Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 A (III), annex) and the International Convention on the Elimination of All Forms of Racial Discrimination (Assembly resolution 2106 A (XX), annex); (d) the ideology of Pakistan was based on Islam, which stressed the need for international peace, amity and harmony; and (e) those trying to undo international harmony should at first be persuaded to desist from such activities. Should this fail, the possibility of taking recourse to stronger action in certain cases should not be ruled out.

15. The Government of Rwanda took the view that every State must (a) take political and legal measures to prevent all Nazi, Fascist and neo-Fascist activities and any other form of ideology or totalitarian practice based on racial intolerance, hatred and terror; and (b) denounce human rights violations wherever they occurred and give their support to peoples struggling to regain their rights.

16. The Government stated that, as far as international legal action was concerned, Rwanda was a party to the following instruments: the International Covenant on Civil and Political Rights (resolution 2200 A (XXI), annex), the International Covenant on Economic, Social and Cultural Rights (resolution 2200 A (XXI), annex), the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (resolution 2391 (XXIII), annex), and the International Convention on the Suppression and Punishment of the Crime of Apartheid (resolution 3068 (XXVIII), annex).

17. The Government further stated that (a) as far as domestic legal measures were concerned, human rights and fundamental freedoms were guaranteed by the Constitution, and the Penal Code laid down the penalties which could be imposed on anyone who committed any act of discrimination; and (b) in terms of political action, the Manifesto of the National Revolutionary Movement for Development condemned all separatist or racist tendencies and advocated and gave practical effect to the equality of all men before the law.

18. The Government of San Marino pointed out that the necessary procedures had been enacted at the governmental and parliamentary levels in order to formalize adhesion to the International Covenants on Human Rights (General Assembly resolution 2200 A (XXI), annex) and the Optional Protocol to the International Covenant on Civil and Political Rights.

19. The Government of the United Kingdom of Great Britain and Northern Ireland stated that the emphasis in General Assembly resolution 38/99, and in certain of the statements delivered in discussion of this topic at the United Nations, was "anachronistic". The concept under review, that of totalitarian ideologies, had among its chief characteristics the maintenance of a system which sought to deny and obliterate the rights of the individual and of any group whose ideology was not inspired by that of the State. If, therefore, this subject was to be pursued further, the United Kingdom believed that, rather than concentrating on defunct historical examples of totalitarianism, the international community should concentrate on the totalitarian threats to human development and the individual which existed today, with a view to ensuring that they did not cause suffering similar to that for which earlier forms of State totalitarianism had been responsible.

III. SUMMARY OF COMMENTS PROVIDED BY SPECIALIZED AGENCIES

United Nations Educational, Scientific and Cultural Organization

20. The United Nations Educational, Scientific and Cultural Organization (UNESCO) pointed out, inter alia, that the struggle against intolerance, prejudice, racism and apartheid had been one of the major concerns of UNESCO. The UNESCO second medium-term plan 1984-1989 redognized that:

"neither the action taken on behalf of the international community nor the solemn and constantly renewed commitment of the Member States has thus far proved sufficient to remove the threat of intolerance, to prevent the recurrence of 'racial', ethnic and similar conflicts or to hasten the end of apartheid". 1/

For those reasons, the General Conference, in resolution 2/12, adopted at its fourth extraordinary session, appraised the implementation of Major Programme XII on the elimination of intolerance, prejudice, racism and apartheid 2/ for the period covering 1984 to 1989, which would, inter alia, serve to intensify and widen the scope of the programme of action and scientific study in the fields of

competence of the United Nations Educational, Scientific and Cultural Organization during the Second Decade to Combat Racism and Racial Discrimination.

IV. SUMMARY OF COMMENTS PROVIDED BY NON-GOVERNMENTAL ORGANIZATIONS

A. Category I

1. International Council of Women

21. The International Council of Women reported that it would draw the attention of its affiliated National Councils of Women to General Assembly resolution 38/99.

2. International Planned Parenthood Federation

22. The International Planned Parenthood Federation reported that the principle of non-discrimination was adhered to strictly by all member associations of the Federation and was a fundamental principle guiding the activities of its member organizations.

3. Women's International Democratic Federation

23. The Women's International Democratic Federation stated the following:

(a) The Federation was endeavouring by various means to make women the world over aware of the suffering, the destruction and the millions of deaths caused by nazism and fascism during the Second World War and to encourage specific activities to combat fascism and neo-fascism;

(b) In numerous declarations, press communiqués, letters, and telegrams addressed to various United Nations bodies, the Federation had expressed the great concern of millions of women at the fact that in some Western countries Fascist and neo-Fascist organizations were becoming more active and more numerous;

(c) It was concerned at the fact that some Governments were not taking the necessary steps to punish war criminals from the Second World War;

(d) It spared no effort to bring to the attention of world public opinion the situation of peoples living under dictatorial and fascist régimes;

(e) It fully supported the view expressed in resolution 38/99, to the effect that "the fortieth anniversary of the victory over nazism and fascism in the Second World War will occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against Nazi, Fascist, neo-Fascist and all other totalitarian ideologies and practices based on racial intolerance, hatred and terror".

B. Category II

1. International Association of Democratic Lawyers

24. The International Association of Democratic Lawyers stated that, in connection with the fortieth anniversary of the victory over nazism, it had decided to organize an international conference on the topical issues of the revival of several aspects of Nazi ideology and attempts to justify Nazi ideology.

2. International Organization for the Elimination of All Forms of Racial Discrimination

25. The International Organization for the Elimination of All Forms of Racial Discrimination reported that it planned certain activities in the fight against racism and racial discrimination. These included, inter alia, (a) sponsoring seminars to explain the Palestinian and South African problems and to discuss the national rights of colonized people; (b) organizing teach-ins in the United States of America, in co-operation with other local groups, on the question of racism and racial discrimination; and (c) convening a symposium on zionism, apartheid and racism, to be held in December 1984 in Africa.

3. International Organization of Journalists

26. The International Organization of Journalists indicated that it was pursuing the objectives of the resolution through its activities, its co-operation with developing countries and its complete solidarity with the struggle against all forms of racial intolerance, hatred and terror, on which Nazi, Fascist and neo-Fascist ideologies were based.

C. Roster

World Education Fellowship

27. The World Education Fellowship reported that it identified completely with the resolution condemning Nazi, Fascist and all forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror.

Notes

1/ See United Nations Educational, Scientific and Cultural Organization, Second Medium-Term Plan (1984-1989) (Paris, UNESCO, 1983), p. 244.

2/ Ibid., Records of the General Conference, Fourth Extraordinary Session, vol. I, Resolutions, pp. 42-45.
